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8 Attorneys for Defendants

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10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN FRANCISCO DIVISION**

13
14 CENTER FOR BIOLOGICAL DIVERSITY
and TURTLE ISLAND RESTORATION
15 NETWORK,

16 Plaintiffs,

17 v.

18 DIRK KEMPTHORNE, Secretary of the
United States Department of the Interior, and
19 the UNITED STATES FISH AND
WILDLIFE SERVICE,

20 Defendants.
21

No. C 07-5109 PJH

**STIPULATION AND PROPOSED
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE**

22
23 Pursuant to Civil L.R. 6-2 and 7-12, this Stipulation is entered into by and between Plaintiffs,
24 Center for Biological Diversity and Turtle Island Restoration Network, and Defendants, Dirk
25 Kempthorne, Secretary of the United States Department of the Interior, and H. Dale Hall, Director
26 of the United States Fish and Wildlife Service.

27 WHEREAS, on October 4, 2007, Plaintiffs filed a Complaint for Declaratory and Injunctive
28 Relief pursuant to the Administrative Procedure Act, 5 U.S.C. §§ 701-706, and the Marine Mammal

1 Protection Act, 16 U.S.C. §§ 1361-1421h;

2 WHEREAS, the Initial Case Management Conference in this matter is currently set for
3 February 14, 2008, at 2:30 p.m.;

4 WHEREAS, continuing discussions between the Parties as to settlement of this litigation
5 have proven productive;

6 WHEREAS, the Initial Case Management Conference has previously been continued, on
7 stipulation, for one 30-day period;

8 NOW, THEREFORE, the parties hereby Stipulate and Agree as follows:

- 9 1. A further 30-day continuance of the Initial Case Management Conference is necessary to
10 allow sufficient time for the settlement discussions to continue.
11 2. The Initial Case Management Conference shall be continued to March 20, 2008, at 2:30 p.m.

12
13 Dated: February 4, 2008

Respectfully Submitted,

14
15 /s/ Miyoko Sakashita
16 Miyoko Sakashita
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25 RONALD J. TENPAS, Asst. Attorney General
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27 /s/ Lawson E. Fite
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CENTER FOR BIOLOGICAL
DIVERSITY,

Plaintiff,

v.

DIRK KEMPTHORNE, et al.,

Defendants.

No. C 07-05109 PJH

CERTIFICATE OF SERVICE

I hereby certify that on February 4, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such to the attorneys of record.

/s/ Lawson E. Fite
LAWSON E. FITE